

MEMORANDUM

Agenda Item No. 11(A)(1)

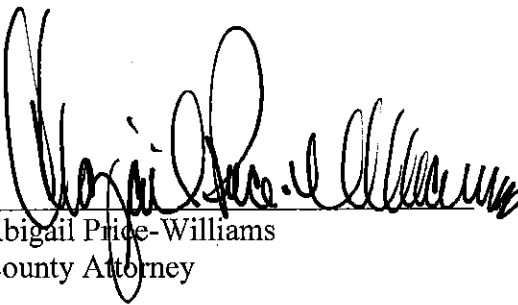
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: October 18, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution opposing policy
underlying Amendment 1
entitled "Rights of Electricity
Consumers Regarding Solar
Energy Choice" on the
November 8, 2016 general
election ballot

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.


Abigail Price-Williams
County Attorney

APW/cp

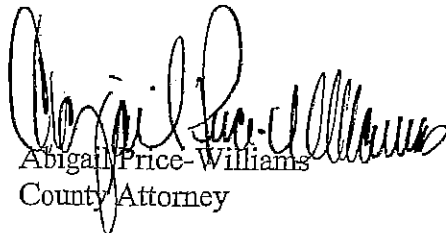


MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(1)
10-18-16

RESOLUTION NO. _____

RESOLUTION OPPOSING POLICY UNDERLYING
AMENDMENT 1 ENTITLED "RIGHTS OF ELECTRICITY
CONSUMERS REGARDING SOLAR ENERGY CHOICE" ON
THE NOVEMBER 8, 2016 GENERAL ELECTION BALLOT

WHEREAS, solar photovoltaic energy offers many potential benefits, including lower electricity costs for homeowners, businesses, and governments; local jobs and economic development; reduced dependence on imported fuels; pollution-free electricity generation; no water use; and contribution to a more resilient electric grid; and

WHEREAS, Florida spends billions of dollars each year purchasing carbon-based fuels from other states and countries to power its homes, businesses, and vehicles, while solar power will keep energy dollars in the state and create good-paying local sales, installation, and maintenance jobs; and

WHEREAS, Florida has the third-highest potential for rooftop solar energy generation in the United States, but currently ranks 14th in the nation for installed solar capacity, according to the Solar Energy Industry Association; and

WHEREAS, Florida has the greatest potential for rooftop solar power of any state in the eastern United States yet, with 9 million electric utility customer accounts, Florida has less than 12,000 customer-sited solar systems; and

WHEREAS, New Jersey has over 43,000 customer-sited solar systems but only half the population of Florida and does not enjoy the same abundance of sunlight that exists in the "Sunshine State;" and

WHEREAS, increased solar-generated electricity, including customer-sited systems on residential and commercial properties, will be a key strategy for achieving this community-wide goal; and

WHEREAS, the voters of the State of Florida, on August 30, 2016 resoundingly passed Amendment 4, entitled “Solar Devices or Renewable Energy Source Devices; Exemption from Certain Taxation and Assessment” which was presented as the result of the unanimous passage of House Joint Resolution 193 by both the Florida House of Representatives and Florida Senate on March 9, 2016; and

WHEREAS, Amendment 4 authorizes the Florida Legislature to exempt solar and other renewable energy systems from both residential and commercial property appraisals and from the tangible personal property tax, effective January 1, 2018, and for the subsequent 20 years; and

WHEREAS, Amendment 1, entitled “Rights of Electricity Consumers Regarding Solar Energy Choice,” will be presented to voters at the November 8, 2016; and

WHEREAS, Amendment 1 is sponsored by an organization called Consumers for Smart Solar; and

WHEREAS, Amendment 1 purports to provide a new “choice,” for solar power in its title, but no new solar rights are provided, while at the same time placing critical restrictions on existing solar rights in the Florida Constitution as described by Florida Supreme Court Justice Barbara Pariente in her dissent in *Advisory Opinion to Atty. Gen. re Rights of Electricity Consumers regarding Solar Energy Choice*, 188 So.3d 822 (Fla. 2016); and

WHEREAS, Amendment 1 will insert in the Florida Constitution an unsupported, misleading, and inaccurate presumption that solar rooftop customers are “subsidized” by solar customers which can be used to weaken or eliminate the state’s net metering policy; and

WHEREAS, Consumers for Smart Solar is primarily bankrolled by the state’s big power companies that oppose current net metering policy,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Board of County Commissioners disapproves of and opposes the policy underlying Amendment 1 entitled “Rights of Electricity Consumers Regarding Solar Energy Choice” as stated herein as detrimental to the Board’s previously expressed support for efforts to increase solar energy generation and other forms of renewable energy in the state of Florida.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman

Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Dennis C. Moss

Sen. Javier D. Souto

Juan C. Zapata

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Rebeca Sosa

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of October, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

OR

Oren Rosenthal